



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31133

DATE FILED: January 30, 2001

Notice is hereby given that Cakebread Properties, LLP has filed an application for a water right permit for diversion of water from Anderson Creek tributary to the Navarro River thence the Pacific Ocean in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

Cakebread Properties, LLP
c/o Wagner & Bonsignore,
Consulting Civil Engineers
444 North Third Street, Suite 325
Sacramento, CA 95814

DESCRIPTION OF THE PROJECT

The applicant seeks the right to divert a total of 49 acre-feet per annum (afa) from Anderson Creek tributary to the Navarro River in Mendocino County. Water will be diverted from Anderson Creek using an offset well at a maximum rate of 2.9 cubic feet per second (cfs) and conveyed to offstream storage through an 8-inch pipeline. Water will be diverted from Anderson Creek from December 15 to March 31 of the succeeding year. The existing offstream reservoir has a capacity of 49 acre feet (af) and is formed by an excavated earthen pit. Water will be used for irrigation, frost protection, and heat control of 47 acres of vineyard, and fire protection and recreation.

This is a minor project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.

APPLICATION INFORMATION

The applicant proposes to divert water from Anderson Creek tributary to the Navarro River thence the Pacific Ocean.

The Point of Diversion is located within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 2, T13N, R14W, MDB&M.

The diversion and place of use are located within the County of Mendocino.

Amount of water applied for: 49 af per year (Storage).

Water will be used for: Irrigation, Frost Protection, Heat Control, Fire Protection and Recreation.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."
Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

The applicant has requested to divert water from December 15 through March 31 of the succeeding year.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NE¼ of SW¼	2	13N	14W	MD	1	Y
NW¼ of NE¼	2	13N	14W	MD	12	Y
SW¼ of NE¼	2	13N	14W	MD	30	Y
SE¼ of NW¼	2	13N	14W	MD	4	Y

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Steve Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form provided that the required information is submitted. The protest should be submitted to the following staff engineer assigned to the application:

Kathryn Gaffney
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, faxed or hand-delivered to the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA), **by 3:00 p.m.** on the **40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by fax at (916) 341-5400. However, an original copy of all materials must be received by the SWRCB within 30 days of the fax in order to consider the protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed above and receive an extension of time to submit the protest prior to the final filing date and time.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.

- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. Since an upstream water user can take water before it reaches a downstream applicant, a protest based on interference with a prior right of an upstream user will not normally be accepted. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms, please contact Kathryn Gaffney by phone at (916) 341-5360, or by electronic mail at kgaffney@waterrights.swrcb.ca.gov. General information concerning water rights in California can be obtained from the Division's web-site at www.waterrights.ca.gov.

DATE OF NOTICE: 3-7-03